

TENNESSEE REGULATORY AUTHORITY

Pat Miller, Chairman
Deborah Taylor Tate, Director
Sara Kyle, Director
Ron Jones, Director



460 James Robertson Parkway
Nashville, Tennessee 37243-0505

August 17, 2004

Guy M. Hicks
Joelle Phillips
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, TN 37201

R. Douglas Lackey
Meredith M. Mays
BellSouth Telecommunications, Inc.
675 West Peachtree St., N.E.
Suite 4300
Atlanta, GA 30375

Henry Walker
Boulton, Cummings, Conners & Berry, PLC
414 Union Street, Suite 1600
Nashville, TN 37219-8062

Charles E. (Gene) Watkins
Covad Communications Company
1230 Peachtree Street, N.E. 19th Fl.
Atlanta, GA 30309

Re: *Petition of DIECA Communications, Inc., d/b/a Covad Communications Company for Arbitration of Interconnection Agreement Amendment with BellSouth Telecommunications, Inc., Pursuant to Section 252b of the Telecommunications Act of 1996*
TRA Docket No. 04-00186

Ladies and Gentlemen:

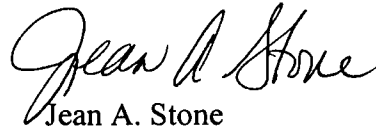
I am the Hearing Officer assigned to the above referenced docket. At the August 9, 2004 Authority Conference, as stated in Chairman Miller's motion and adopted unanimously, the Hearing Officer was assigned the duty "to determine whether we have an arbitration or dispute, and if it was genuinely a dispute, that the hearing officer set out procedures for resolution of the docket and that – and take up any other matters necessary to the docket for preparation for us to hear it."

Based upon the delegation of authority above, it is my understanding that I can only address your letter of August 12, 2004 requesting a briefing schedule if this proceeding is determined to be a "dispute", i.e. a petition for dispute resolution, rather than a petition for arbitration. Otherwise, your joint request for a briefing schedule must be referred to the voting panel.

Therefore, please file as soon as possible a clarification as to whether the parties are in agreement that this proceeding should be addressed as a petition for dispute resolution or

as a petition for arbitration. If there is no agreement, the joint request for a briefing schedule will go before the voting panel for a decision.

Sincerely,

A handwritten signature in black ink, appearing to read "Jean A. Stone". The signature is fluid and cursive, with the first name "Jean" and last name "Stone" clearly distinguishable.

Jean A. Stone
as Hearing Officer

c: All Parties
Original in Docket file